

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CLYDE WENDELL SMITH

PETITIONER

V.

CIVIL ACTION NO.: 4:17CV87-SA

**MARSHALL FISHER and
JIM HOOD**

RESPONDENTS

ORDER GRANTING MOTION TO STAY

Before the Court is Petitioner's motion to stay his federal habeas proceedings so that he may return to State court on a successive petition for post-conviction relief. Respondents have not responded to the instant motion, and the deadline to do so has passed. The Court finds, for the reasons set forth in the instant motion and in accordance with *Rhines v. Weber*, 544 U.S. 269, 274 (2005), that good cause exists to stay these proceedings and hold them in abeyance.

Accordingly, it is **ORDERED**:

1. That Petitioner's motion is **GRANTED**, and this matter is **STAYED** pending final adjudication of Petitioner's successive petition for post-conviction relief in State court.

2. That Petitioner shall file a motion to lift the stay of these proceedings within sixty days of the Mississippi Supreme Court's final order or judgment resolving his successive post-conviction proceedings.

SO ORDERED this 2nd day January, 2019.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE